AMENDMENTS TO THE CLAIMS

Listing of Claims:

1. (Currently amended) A transgenic expression construct for ~~predominant~~ expression of a nucleic acid sequence of interest in substantially all vegetative plant tissues comprising a promoter sequence selected from the group consisting of:

a) the promoter of the *Pisum sativum* ptxA gene as described by SEQ ID NO: 1, ~~or its complement,~~

b) a functional equivalent fragment of the promoter sequence described by SEQ ID NO: 1 ~~or its complement~~, comprising a sequence from about base pair 300 to about base pair 583 of the sequence described by SEQ ID NO: 1 having ~~essentially the same promoter activity as~~ the same vegetative plant tissue specific expression of the promoter sequence described by SEQ ID NO: 1, and

c) a functional equivalent homolog of the promoter sequence described by SEQ ID NO: 1 which has ~~essentially the same promoter activity as~~ the same vegetative plant tissue specific expression of the promoter sequence described by SEQ ID NO: 1, and has

~~i)~~ a homology of at least ~~95%~~ 98% identity ~~over a sequence of at least 100 consecutive base pair~~ to the sequence as described by SEQ ID NO: 1, ~~and/or~~

~~ii) hybridizes under high stringency conditions with a fragment of at least 50 consecutive base pairs of the nucleic acid molecule described by SEQ ID NO: 1,~~

~~d) the promoter of the *Glycine max* extensin (SbHRGP3) gene, functional equivalent fragments and functional equivalent homologs thereof, or their complements, having essentially the same promoter activity as the promoter of the *Glycine max* extensin (SbHRGP3) gene,~~

wherein said promoter sequence is operably linked to ~~the nucleic acid sequence of interest to be transgenically expressed,~~ and ~~wherein said promoter sequence is~~ heterologous with respect to said nucleic acid sequence of interest, and wherein the nucleic acid sequence of interest encodes a selection marker or is a reporter gene, or wherein the expression of the nucleic acid sequence of interest results in expression of an antisense RNA or double-stranded RNA, or wherein the expression of the nucleic acid sequence increases quality of food and feed, produces

chemicals, fine chemicals or pharmaceuticals, confers resistance to herbicides, or confers male sterility.

2. (Cancelled)

3. (Previously presented) The transgenic expression construct of claim 1, wherein the functional equivalent fragment comprises a sequence from about base pair 300 to about base pair 583 of the sequence described by SEQ ID NO: 1.

4. (Withdrawn) The transgenic expression construct of claim 1, wherein the promoter sequence is selected from the group of sequences consisting of:

a) the promoter of the *Glycine max* extensin (SbHRGP3) gene as described by SEQ ID NO: 2, or its complement,

b) a functional equivalent fragment of at least 50 consecutive base pairs of the promoter sequence described by SEQ ID NO: 2, or its complement, having essentially the same promoter activity as the promoter sequence described by SEQ ID NO: 2, and

c) a functional equivalent homolog of the promoter sequence described by SEQ ID NO: 2 which has essentially the same promoter activity as the promoter sequence described by SEQ ID NO: 2, and

i) has at least 60% identity over a sequence of at least 100 consecutive base pairs to the sequence as described by SEQ ID NO: 2, and/or

ii) hybridizes under high stringency conditions with a fragment of at least 50 consecutive base pairs of the sequence as described by SEQ ID NO: 2.

5. (Withdrawn) The transgenic expression construct of claim 4, wherein the functional equivalent fragment comprises a sequence from about base pair 800 to about base pair 1179 of the sequence described by SEQ ID NO: 2.

6. (Withdrawn) The transgenic expression construct of claim 4, wherein the functional equivalent homolog is described by a sequence selected from the group of sequences consisting of SEQ ID NO: 7, 8, and 9.

7. (Currently amended) The transgenic expression construct of claim 1, wherein the expression rate realized by the transgenic expression construct and measured by ~~an~~ a quantitative

β-glucoronidase assay and normalized to units of β-glucoronidase per gram of biomass in seed and flower tissue is less ~~then~~ than 10% of the corresponding value in total vegetative plant tissue and the nucleic acid of interest encodes an enzyme having glucoronidase activity.

8. (Previously presented) The transgenic expression construct of claim 1, wherein

a) the nucleic acid sequence of interest to be expressed is linked operably to further genetic control sequences, or

b) the expression construct comprises additional functional elements, or

c) both a) and b) apply.

9. (Currently amended) The transgenic expression construct of claim 1, wherein the nucleic acid sequence to be expressed transgenically results in[[,]]

a) expression of a protein encoded by said nucleic acid sequence, and/or

b) expression of sense, antisense, or double-stranded RNA encoded by said nucleic acid sequence.

10. (Previously presented) The transgenic expression construct of claim 1, wherein expression occurs in leafs, stems and roots but is not detectable in seeds.

11. (Previously presented) A transgenic expression vector comprising the transgenic expression construct of claim 1.

12. (Previously presented) A non-human transgenic organism transformed with the expression construct as claimed in claim 1 or a transgenic expression vector comprising said expression construct.

13. (Previously presented) The non-human transgenic organism of claim 12, said organism is selected from the group consisting of bacteria, yeasts, algae, fungi, and plant organisms.

14. (Previously presented) The non-human transgenic organism of claim 13, wherein the organism is selected from the group consisting of sugarcane, maize, sorghum, pineapple, rice, barley, oat, wheat, rye, yam, onion, banana, coconut, date, hop, rapeseed, tobacco, tomato, tagetes (marigold), soybean, pea, common bean, and papaya.

15. (Currently amended) A cell culture, part or transgenic propagation material derived from the transgenic organism of claim 12, wherein said cell culture, part or propagation material comprises said expression construct.

16. (Withdrawn, currently amended) A method for producing transgenic ~~predominant~~ expression of a nucleic acid sequence of interest in substantially all vegetative plant tissues comprising:

introducing a transgenic expression construct into a plant cell or a plant, said transgenic expression construct comprises a promoter sequence selected from the group consisting of:

a) the promoter of the *Pisum sativum* ptxA gene as described by SEQ ID NO: 1, ~~or its complement,~~

b) a functional equivalent fragment of the promoter sequence described by SEQ ID NO: 1, ~~or its complement,~~ comprising a sequence from about base pair 300 to about base pair 583 of the sequence described by SEQ ID NO: 1 having ~~essentially the same promoter activity as~~ the same vegetative plant tissue specific expression of the promoter sequence described by SEQ ID NO: 1, and

c) a functional equivalent homolog of the promoter sequence described by SEQ ID NO: 1 which has ~~essentially the same promoter activity as~~ the same vegetative plant tissue specific expression of the promoter sequence described by SEQ ID NO: 1, and has

~~i)~~ a homology of at least ~~95%~~ 98% identity ~~over a sequence of at least 100 consecutive base pairs~~ to the sequence as described by SEQ ID NO: 1, ~~and/or~~

~~ii) hybridizes under high stringency conditions with a fragment of at lest 50 consecutive base pairs of the nucleic acid molecule described by SEQ ID NO: 1,~~

~~d) the promoter of the *Glycine max* extensin (SbHRGP3) gene, functional equivalent fragments and functional equivalent homologs thereof, or their complements, having essentially the same promoter activity as the promoter of the *Glycine max* extensin (SbHRGP3) gene,~~

wherein said promoter sequence is operably linked to ~~the nucleic acid sequence of interest to be transgenically expressed,~~ and ~~wherein said promoter sequence~~ is heterologous with respect to said nucleic acid sequence of interest, and wherein the nucleic acid sequence of interest encodes a selection marker or is a reporter gene, or wherein the expression of the nucleic acid sequence of interest results in expression of an antisense RNA or double-stranded RNA, or wherein the expression of the nucleic acid sequence increases quality of food and feed, produces chemicals, fine chemicals or pharmaceuticals, confers resistance to herbicides, or confers male sterility~~,~~

~~under conditions such that said nucleic acid sequence of interest is expressed in said plant cell and/or predominantly expressed in the vegetative plant tissue and/or organs of said transgenic plant~~.

17. (Withdrawn) The method of claim 16, wherein the expression occurs in leafs, stems and roots but is not detectable in seeds.

18. (Withdrawn) The method of claim 17, said method further comprises one or more of the following steps:

ii) identifying or selecting the transgenic plant cell comprising said transgenic expression construct,

iii) regenerating transgenic plant tissue from the transgenic plant cell, and

iv) regenerating a transgenic plant from the transgenic plant cell.

19. (Cancelled)

20. (Withdrawn) A foodstuff, animal feeds, seeds, pharmaceuticals or fine chemicals produced from the transgenic organism as claimed in claim 12 or of cell cultures, parts of transgenic propagation material derived therefrom.

21. (Withdrawn) A method for production of a foodstuff, animal feed, seed, pharmaceutical or fine chemical, wherein the method comprises employing the transgenic organism as claimed in claim 12 or of cell cultures, parts of transgenic propagation material derived therefrom.

22. (Previously presented) The non-human transgenic organism of claim 13, wherein the organism is a dicotyledonous plant.

23. (Previously presented) The non-human transgenic organism of claim 22, wherein the dicotyledonous plant is selected from the group consisting of rapeseed, tobacco, tomato, tagetes (marigold), soybean, pea, common bean, and papaya.

24. (Currently amended) A cell culture, part or transgenic propagation material derived from the transgenic organism of claim 13, wherein said cell culture, part or propagation material comprises said expression construct.

25. (Previously presented) A transgenic monocotyledonous plant transformed with the expression construct of claim 8.